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| 09/992,478 | 11/19/2001 | Nathaniel Heard | 9692.6807 | 5130 |

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT PAPER NUMBER

1733

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,478

Applicant(s)

HEARD, NATHANIEL

Examiner

Geoffrey L. Knable

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1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Newly submitted claim 12 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Each of the original independent claims 1, 4 and 8 (as well as these claims as now amended) defined that the capture/attachment of the tire tread to the first and second sidewalls was "to define a tire interior area." In other words, the original claims were read to all define or require that the tread in combination with the sidewalls were all required to define the tire interior area. This was the invention that was searched and examined and for which prior art was applied (i.e. in essence with the tread captured between sidewalls to define a tire interior). New claim 12 however still relates to embodiments in which the tire casing itself defines the tire interior area, the tread being defined as a separate element that is provided atop the casing. In other words, although most of the claims have been amended consistent with the originally presented embodiment, claim 12 still defines that the tread is attached to an apparent full tire casing (i.e. full casing without the tread). This is considered to clearly define a separate and distinct embodiment of the invention from that originally claimed/presented (in fact, claim 12 also seems to conflict with claim 1 as amended), it being stressed that the originally presented claims are/were restricted to an embodiment that is mutually exclusive from the embodiment of the invention that is now claimed in new claim 12 – in other words, the originally presented claims are not considered to have defined the invention in a manner that is generic to that of claim 12.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claim 12 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Clarke (US 1,450,170) or Courtenay (US 1,260,651) or Jacobs (US 921710) or May (US 794,372) or Hequembourg (US 764,891) or Desson (US 1,025,610) as applied in the last office action.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke (US 1,450,170) or Courtenay (US 1,260,651) or Jacobs (US 921710) or May (US 794,372) or Hequembourg (US 764,891) as applied in the last office action.

5. Claims 1-3, 7-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over [Clarke (US 1,450,170) or Courtenay (US 1,260,651) or Jacobs (US 921710) or May (US 794,372) or Hequembourg (US 764,891) or Desson (US 1,025,610)] in view of at least one of [Zamora et al. (US 2,283,843), Veazie (US 563,823), Elgendi (US 6,269,85) and Turner (US 1,154,817) - all newly cited].

The primary references are applied for the same reasons as set forth in the last office action. The claims have been amended (and new claims added) to further define the plural inner tube segments as being independently inflated and deflated from one another as well as each having valve stems that protrude through slots in the rim whereas the primary references only show a single inner tube segment. It however is known in this art to provide an inner tube in the form of a plurality of inflatable segments,

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the plural inflatable segments being separately inflatable and deflatable through valve stems extending through holes or slots in the rim, so that if one segment is punctured, the others retain air - Zamora, Veazie, Elgendi and Turner are exemplary of this known and desirable construction of the inflatable element within the tire. To provide plural independently inflatable and deflatable segments each including a valve stem extending through the rim would therefore have been obvious to enhance puncture protection as well as improve reparability. As to the amendment to claim 2, it would seem that this requires that each rim half includes a flange that engages the respective tire sidewall - such is however considered to be typical of almost any rim and further it is considered that a flange is shown in each of the references. The inclusion of a rim flange with any rim including split rims with hubs (which was taken to be well known per se in this art (e.g. to ease tire/rim assembly)) is thus considered obvious for only the expected results.

6. Applicant's arguments filed 11-3-2004 have been fully considered but they are not persuasive and in particular, have been addressed by the newly cited prior art necessitated by the amendments to the claims (and new claims).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
October 2, 2005